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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,545

Applicant(s)

ALLEN, GREGORY

Examiner

Stephen M. D'Agosta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-49, 53, 54, 56-60, 64-66 and 68-71 is/are rejected.
- 7) ☒ Claim(s) 50-52, 55, 61-63, 67 and 72-76 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4, 7, 8</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

The information disclosure statements (IDS's) submitted on 2-28-02, 6-26-03 and 9-08-03 are in compliance and accordingly, the information disclosure statements are being considered by the examiner.

Drawings

The drawings were received on 12-5-01. These drawings have been reviewed by the draftsman and examiner.

ALL the drawings are objected to because: no reference numbers are used in the drawings to distinctly identify each component of each drawing (ie. regarding figure 1, the Keylink, Cardholder and Cardreader Site should each be given a reference number whereby said reference number is used in the specification when describing the component). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-49, 53-54, 56-60, 64-66 and 68-71 rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila US 6,714,797 in view of Bandera et al. US 6,332,127 (hereafter Rautila and Bandera).

As per **claim 1**, Rautila teaches a system for supplying information to a user about a physical location visited by the user (figure 7, #810-#830), comprising:

A portable device adapted to be carried by a human user, the device having a unique ID code (figure 2 shows a portable device, Rautila discloses use of a mobile cell phone (C4, L17-25) which has a unique ID code such as the phone number which can be used to identify the user. The examiner also notes that Rautila discloses purchasing goods which inherently requires the user to be ID'ed and authenticated to prevent stolen goods);

A reader being associated with a physical location to be visited by the user and having a unique reader ID code, the reader including capability to output the device ID code of the portable device when read along with the reader ID code of the reader (Rautila discloses readers being either cellular or "hotspots" (eg. Bluetooth) which can wirelessly connect the user to a server to download goods, C1, L42 to C2, L43 and C2, L56 to C3, L3 for downloading of goods – cell BTS's have unique ID's and have known locations); and

A server (eg. control center) adapted to supply information associated with the supplied reader ID code to a location associated with the received device ID code (C2, L56 to C3, L3 teaches the user connecting to a server/central site and being supplied with downloadable digital goods/products).

But is silent on a reader adapted to read the device ID code of the device of the user in close proximity to the reader AND A control center adapted to received the device ID code and the reader ID code output by the reader.

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

Bandera teaches a system/method whereby advertisements are downloaded to a wireless user based on their geographical location. Hence "readers" (eg. BTS's, etc.)

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are used to determine the user's location and then a computer/control center downloads selected advertisements to said user. This is a more "automatic" process whereby Rautila's process was more manual (eg. the user selected downloadable material instead of the system determining the user's position and then selecting what to download).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Rautila, such that a reader adapted to read the device ID code of the device of the user in close proximity to the reader AND A control center adapted to received the device ID code and the reader ID code output by the reader, to provide means for the system to automatically locate the user and download selected material to said user based on their position/location.

As per **claim 2**, Rautila in view of Bandera teaches claim 1 wherein the control center associates a user supplied location to supply information with the device ID code of the portable device of the user (figure 4 #360 and #380 disclose either downloading data via cellular or hotspot communication node/site while figure 8, #820-840 teaches identifying the user's location and downloading data to the nearest hotspot).

As per **claim 3**, Rautila in view of Bandera teaches claim 1 wherein the reader is adapted to output the device ID and the reader ID code to the control center during a non-retail transaction between the user and the physical location of visited by the user (figure 1 shows Rautila architecture whereby mobile users (#10 at location 1) can download data which inherently requires the user to be identified by the hotspot reader at that physical location – use of a cell phone device will provide for a unique ID, eg. the phone number).

As per **claim 4**, Rautila in view of Bandera teaches claim 1 further comprising a store; and wherein the reader is contained within the store and the reader is adapted to read the device ID code of the portable device of the user while the user is exterior to the store (figure 1 shows the overall architecture whereby the user can download from a hotspot located in/near a mall, department store, franchise store, and/or anywhere, etc. C4, L64 to C5, L8).

As per **claim 5**, Rautila in view of Bandera teaches claim 1 comprising a store and wherein the reader is contained in the store and wherein the reader is adapted to read the device ID of the portable device of the user when the store is closed (figure 1 shows the overall architecture whereby the user can download from a hotspot located in/near a mall, department store, franchise store, and/or anywhere, etc. C4, L64 to C5, L8. Hence one skilled would provide for the hotspot download site to be available 24x7x365 so as to provide data download capability even if the store is closed or humans aren't present since the data is downloaded from a computer which does not "close").

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As per **claim 6**, Rautila in view of Bandera teaches claim 1 further comprising a plurality of readers, each of the readers having a respective ID code and being associated with the respective elements of the physical location, each of the readers adapted to read the device ID code of the portable device of a user in close proximity to the respective reader and each of the readers having capability to output the read(er) device ID code and the reader ID code of the respective reader (figure 4 #380-390 shows that Rautila determines the user's location and nearby hotspot reader locations to determine the most convenient download site which reads on the claim).

As per **claim 7**, Rautila in view of Bandera teaches claim 1 wherein neither the portable device nor the device ID code of the portable device identify the user (Rautila in view of Bandera discloses use of a portable device such as a cell phone, HTML-capable phone, laptop, palm computer, etc. which don't specifically identify the user by name, C4, L13-28).

As per **claim 8**, Rautila in view of Bandera teaches claim 1 wherein the reader is adapted to read the device ID code of the portable device of the user without the user communicating with a representative of the physical location being visited (Rautila teaches cellular and Bluetooth communications directly to a server which therefore does not require interaction with a representative, C1, L41 to C2, L25).

As per **claim 9**, Rautila in view of Bandera teaches claim 1 further comprising a plurality of readers with a respective ID code and being associated with physical locations, each reader adapted to read the device ID of a portable device of a user in close proximity to the reader, each reader having capability to output the read device ID code and the reader ID code of the reader and each of the reader ID codes being associated with respective information relating to the respective elements of the physical location (figure 1 shows multiple hotspot locations #50 and multiple electronic shop servers #40 at known physical locations that have respective reader ID's and can read device ID's of proximate users and output the device's ID).

As per **claim 10**, Rautila in view of Bandera teaches claim 9, wherein the portable device is adapted to have its device ID read by a plurality of readers associated with the physical location being visited by the user (figure 1 shows multiple hotspot locations that can read/download data from/to a user and are placed in many different locations, C4, L64 to C5, L8).

As per **claim 11**, Rautila in view of Bandera teaches claim 9 wherein the portable device is adapted to have its device ID code be read by a plurality of readers associated with the physical location during a single visit to the physical location by the user (figure 1 shows that a user can visit a hotspot once for downloading of data whereby the device ID will be read by any/all readers/hotspots/cell sites in the area).

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As per **claim 12**, Rautila in view of Bandera teaches claim 9 wherein each of the readers is disposed within a respective department of the physical location and each of the reader ID codes of the readers is associated with the respective information relating to the respective department (C4, L64 to C5, L8 teaches hotspots being located in malls or department stores – one skilled would place as many hotspots as necessary, eg. in each department, depending upon user demand and wait times).

As per **claim 13**, Rautila in view of Bandera teaches claim 9 wherein each of the readers is disposed adjacent to a respective item for sale in the physical location and each reader ID codes of the readers is associated with respective information relating to the respective item for sale (C4, L64 to C5, L8 teaches placing the hotspots at almost any place. Since the hotspot can download different types of data, one hotspot may suffice for multiple sale items and/or a person may place one hotspot per sale item).

As per **claim 14**, Rautila in view of Bandera teaches claim 9 wherein each of the readers is disposed at a location accessible from an exterior to the physical location being visited (C4, L64 to C5, L8 teaches placing the hotspot readers/download sites virtually anywhere and one skilled would place them both inside and outside various locations, ie. outside a mall so that users can access data even if the mall is closed. Bluetooth allows for RF connectivity from 10-100 meters, C2, L26-28 while cellular supports many miles).

As per **claim 15**, Rautila in view of Bandera teaches claim 1 further comprising a retail store disposed within a physical structure having a display window, the reader being disposed behind the display window of the retail store and wherein the reader is adapted to read the device ID code of the portable device disposed exterior to the display window (C4, L64 to C5, L8 teaches placing the hotspot readers/download sites virtually anywhere and one skilled would place them at display windows/area. Bluetooth allows for RF connectivity from 10-100 meters and would be optimal for this embodiment).

As per **claim 16**, Rautila in view of Bandera teaches claim 15 further comprising a plurality of readers disposed in respective vicinities behind the display window, each of the vicinities representing a respective department of the retail store and each of the readers having a respective reader ID code and being associated with the respective department of the retail store (C4, L64 to C5, L8 teaches placing the hotspot readers in malls and departments stores which reads on the claim. One skilled would provide for placing multiple hotspots as necessary throughout the mall/departments to support user demand).

As per **claim 17**, Rautila in view of Bandera teaches claim 15 further comprising a plurality of readers disposed adjacent to respective items for sale disposed behind the display window, and each of the readers having a respective reader ID code and being associated with the respective item for sale (C4, L64 to C5, L8 teaches placing the hotspot readers in malls and departments stores which reads on the claim. One skilled would provide for placing multiple hotspots as necessary throughout the mall/departments to support user demand).

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As per **claim 18**, Rautila in view of Bandera teaches a process for supplying information to a user of a portable device having a unique ID (figure 2, Rautila in view of Bandera discloses use of a mobile cell phone (C4, L17-25) which has a unique ID code such as the phone number which can be used to identify the user. The examiner also notes that Rautila in view of Bandera discloses purchasing goods which inherently requires the user to be ID'ed and authenticated to prevent stolen goods) comprising:

Visiting by a user of a location about which information is desired (figure 4 #310-350 shows user accessing data via Internet-enabled wireless phone to purchase goods/services for download);

Reading the device ID code of the device of the user, the reader including capability to output the device ID code of the portable device when read along with the reader ID code of the reader (Rautila discloses readers being either cellular or "hotspots" (eg. Bluetooth) which can wirelessly connect the user to a server to download goods, C1, L42 to C2, L43 and C2, L56 to C3, L3 for downloading of goods – cell BTS's have unique ID's and known locations);

Supplying to a server (eg. control center) the device ID code and the reader ID code output by the reader (C2, L56 to C3, L3 teaches the user connecting to a server/central site and being supplied with downloadable digital goods/products).

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

But is silent on a reader adapted to read the device ID code of the device of the user in close proximity to the reader AND A control center adapted to received the device ID code and the reader ID code output by the reader.

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

Bandera teaches a system/method whereby advertisements are downloaded to a wireless user based on their geographical location. Hence "readers" (eg. BTS's, etc.) are used to determine the user's location and then a computer/control center downloads selected advertisements to said user. This is a more "automatic" process whereby Rautila's process was more manual (eg. the user selected downloadable material instead of the system determining the user's position and then selecting what to download).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Rautila, such that a reader adapted to read the device ID code of the device of the user in close proximity to the reader AND A control center adapted to received the device ID code and the reader ID code output by the reader, to provide means for the system to automatically locate the user and download selected material to said user based on their position/location.

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As per **claim 19**, Rautila in view of Bandera teaches claim 18 further comprising identifying by the user the location associated with the device ID code (figure 4 #360 and #380 disclose either downloading data via cellular or hotspot communication node/site while figure 8, #820-840 teaches identifying the user's location and downloading data to the nearest hotspot).

As per **claim 20**, Rautila in view of Bandera teaches claim 18 wherein the reader is adapted to output the device ID and the reader ID code to the control center during a non-retail transaction between the user and the physical location of visited by the user (figure 1 shows Rautila's architecture whereby mobile users (#10 at location 1) can download data which inherently requires the user to be identified by the hotspot reader at that physical location – use of a cell phone device will provide for a unique ID, eg. the phone number).

As per **claim 21**, Rautila in view of Bandera teaches claim 18 further comprising a store; and wherein the reader is contained within the store and the reader is adapted to read the device ID code of the portable device of the user while the user is exterior to the store (figure 1 shows the overall architecture whereby the user can download from a hotspot located in/near a mall, department store, franchise store, and/or anywhere, etc. C4, L64 to C5, L8).

As per **claim 22**, Rautila in view of Bandera teaches claim 18 comprising a store and wherein the reader is contained in the store and wherein the reader is adapted to read the device ID of the portable device of the user when the store is closed (figure 1 shows the overall architecture whereby the user can download from a hotspot located in/near a mall, department store, franchise store, and/or anywhere, etc. C4, L64 to C5, L8. Hence one skilled would provide for the hotspot download site to be available 24x7x365 so as to provide data download capability even if the store is closed or humans aren't present since the data is downloaded from a computer which does not "close").

As per **claims 23-24**, Rautila in view of Bandera teaches claim 18 further comprising a plurality of readers, each of the readers having a respective ID code and being associated with the respective elements of the physical location, each of the readers adapted to read the device ID code of the portable device of a user in close proximity to the respective reader and each of the readers having capability to output the read(er) device ID code and the reader ID code of the respective reader (figure 4 #380-390 shows that Rautila determines the user's location and nearby hotspot reader locations to determine the most convenient download site which reads on the claim).

As per **claim 25**, Rautila in view of Bandera teaches claim 18 wherein neither the portable device nor the device ID code of the portable device identify the user (Rautila discloses use of a portable device such as a cell phone, HTML-capable phone, laptop, palm computer, etc. which don't specifically identify the user by name, C4, L13-28).

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As per **claim 26**, Rautila in view of Bandera teaches claim 18 wherein if the user loses the portable device or if it is stolen, no information about the user is obtained by another person processing the portable device or by another person using the portable device (Rautila teaches cellular/Bluetooth via phone/laptop/Palm/etc.. One skilled would provide for security settings – eg. password, logons, encryption, etc. – such that the unit is disabled if lost/stolen).

As per **claim 27**, Rautila in view of Bandera teaches claim 18 wherein the steps of visiting, reading the device ID code and supplying to the control center are carried out without identifying the user to the location being visited by the user (figure 4, #350 teaches “payment arrangements being made” and use of credit card may be via third-party vendor - as is known in the art - who does not identify the user but correlates the user to the unique Order Number #400. Hence, one skilled would protect the identity of the user to provide enhanced security and deter identity theft).

As per **claim 28**, Rautila in view of Bandera teaches claim 18 wherein the reader is adapted to read the device ID code of the portable device of the user without the user communicating with a representative of the physical location being visited (Rautila teaches cellular and Bluetooth communications directly to a server which therefore does not require interaction with a representative, C1, L41 to C2, L25).

As per **claim 29**, Rautila in view of Bandera teaches further comprising the step of providing a plurality of readers in the location being visited each having a respective reader ID code and associated respective information (figure 1 shows multiple hotspot readers and C4, L64 to C5, L8 teaches placing hotspots at multiple locations whereby each would have a different ID number uniquely identifying itself).

As per **claim 30**, Rautila in view of Bandera teaches claim 29, wherein the portable device is adapted to have its device ID read by a plurality of readers associated with the physical location being visited by the user (figure 1 shows multiple hotspot locations that can read/download data from/to a user and are placed in many different locations, C4, L64 to C5, L8).

As per **claim 31**, Rautila in view of Bandera teaches claim 30 wherein the portable device is adapted to have its device ID code be read by a plurality of readers associated with the physical location during a single visit to the physical location by the user (figure 1 shows that a user can visit a hotspot once for downloading of data whereby the device ID will be read by any/all readers/hotspots/cell sites in the area).

As per **claim 32**, Rautila in view of Bandera teaches claim 29 wherein each of the readers is disposed within a respective department of the physical location and each of the reader ID codes of the readers is associated with the respective information relating to the respective department (C4, L64 to C5, L8 teaches hotspots being located in malls or department stores – one skilled would place as many hotspots as necessary, eg. in each department, depending upon user demand and wait times).

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As per **claim 33**, Rautila in view of Bandera teaches claim 29 wherein each of the readers is disposed adjacent to a respective item for sale in the physical location and each reader ID codes of the readers is associated with respective information relating to the respective item for sale (C4, L64 to C5, L8 teaches placing the hotspots at almost any place. Since the hotspot can download different types of data, one hotspot may suffice for multiple sale items and/or a person may place one hotspot per sale item).

As per **claim 34**, Rautila in view of Bandera teaches claim 29 wherein each of the readers is disposed at a location accessible from an exterior to the physical location being visited (C4, L64 to C5, L8 teaches placing the hotspot readers/download sites virtually anywhere and one skilled would place them both inside and outside various locations, ie. outside a mall so that users can access data even if the mall is closed. Bluetooth allows for RF connectivity from 10-100 meters, C2, L26-28 while cellular supports many miles).

As per **claim 35**, Rautila in view of Bandera teaches claim 18 further comprising a retail store disposed within a physical structure having a display window, the reader being disposed behind the display window of the retail store and wherein the reader is adapted to read the device ID code of the portable device disposed exterior to the display window (C4, L64 to C5, L8 teaches placing the hotspot readers/download sites virtually anywhere and one skilled would place them at display windows/area. Bluetooth allows for RF connectivity from 10-100 meters and would be optimal for this embodiment).

As per **claim 36**, Rautila in view of Bandera teaches claim 18 further comprising a plurality of readers disposed in respective vicinities behind the display window, each of the vicinities representing a respective department of the retail store and each of the readers having a respective reader ID code and being associated with the respective department of the retail store (C4, L64 to C5, L8 teaches placing the hotspot readers in malls and departments stores which reads on the claim. One skilled would provide for placing multiple hotspots as necessary throughout the mall/departments to support user demand).

As per **claim 37**, Rautila in view of Bandera teaches claim 18 further comprising a plurality of readers disposed adjacent to respective items for sale disposed behind the display window, and each of the readers having a respective reader ID code and being associated with the respective item for sale (C4, L64 to C5, L8 teaches placing the hotspot readers in malls and departments stores which reads on the claim. One skilled would provide for placing multiple hotspots as necessary throughout the mall/departments to support user demand).

As per **claim 38**, Rautila teaches a system for supplying information to a user about a physical location visited by the user (figure 7, #810-#830), comprising:

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A portable device adapted to be carried by a human user, the device having a unique ID code (figure 2 shows a portable device, Rautila in view of Bandera discloses use of a mobile cell phone (C4, L17-25) which has a unique ID code such as the phone number which can be used to identify the user. The examiner also notes that Rautila in view of Bandera discloses purchasing goods which inherently requires the user to be ID'ed and authenticated to prevent stolen goods);

A reader including capability to output the device ID code of the portable device when read along with the reader ID code of the reader (Rautila in view of Bandera discloses readers being either cellular or "hotspots" (eg. Bluetooth) which can wirelessly connect the user to a server to download goods, C1, L42 to C2, L43 and C2, L56 to C3, L3 for downloading of goods); and

Communicating means (figure 1 shows various communications technologies) from the user to the server (eg. control center) the type of fulfillment information and the location to supply fulfillment information (figure shows selecting data to download and data being downloaded via hotspot), the control center adapted to supply fulfillment information; (C2, L56 to C3, L3 teaches the user connecting to a server/central site and being supplied with downloadable digital goods/products/services).

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

But is silent on a reader adapted to read the device ID code of the device of the user in close proximity to the reader AND the control center associating the communicated type of fulfillment information and the communicated location with the device ID code of the portable device of the user.

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

Bandera teaches a system/method whereby advertisements are downloaded to a wireless user based on their geographical location. Hence "readers" (eg. BTS's, etc.) are used to determine the user's location and then a computer/control center downloads selected advertisements to said user. This is a more "automatic" process whereby Rautila's process was more manual (eg. the user selected downloadable material instead of the system determining the user's position and then selecting what to download).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Rautila, a reader adapted to read the device ID code of the device of the user in close proximity to the reader AND the control center associating the communicated type of fulfillment information and the communicated location with the device ID code of the portable device of the user, to provide means for the system to automatically locate the user and download selected material to said user based on their position/location.

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As per **claim 39**, Rautila in view of Bandera teaches claim 38 wherein the communicating means is adapted to communicate from user an amount of fulfillment information to be supplied, and the control center is adapted to supply fulfillment information associated with the received reader ID code in accordance with the identified amount of fulfillment information (figure 4 shows user selecting data to download selected fulfillment data, eg. a good/service/product).

As per **claims 40-41**, Rautila in view of Bandera teaches claim 38 wherein the communicating means is adapted to communicate from the user whether fulfillment information containing pictures/motion pictures is preferred as the type of fulfillment information; and the control center is adapted to supply fulfillment information associated with the received reader ID code in accordance with the identified type of fulfillment information (Rautila teaches hotspot downloads that support many different types of goods/services/products, C4, L65 to C5, L8 which one skilled realizes will range from small downloads to very large downloads. Hence the use of either cellular or Bluetooth communications provides impetus as to whether the user wants larg(er) or small(er) files to download – eg. if pictures wanted, must go to a Bluetooth hotspot, otherwise a small download can be via cellular).

As per **claim 42**, Rautila teaches a process for supplying information to a user of a portable device having a unique ID (figure 2, Rautila discloses use of a mobile cell phone (C4, L17-25) which has a unique ID code such as the phone number which can be used to identify the user. The examiner also notes that Rautila discloses purchasing goods which inherently requires the user to be ID'ed and authenticated to prevent stolen goods) comprising:

Identifying by the user a type of fulfillment information to be supplied to the user (figure 4 shows user selecting data to be downloaded, #340)

Identifying by the user a location to supply the fulfillment information (figure 4, #360 and #380)

Visiting by a user of a location about which information is desired (figure 4 #310-350 shows user accessing data via Internet-enabled wireless phone to purchase goods/services for download);

Reading the device ID code of the device of the user, (Rautila in view of Bandera discloses readers being either cellular or "hotspots" (eg. Bluetooth) which can wirelessly connect the user to a server to download goods, C1, L42 to C2, L43 and C2, L56 to C3, L3 for downloading of goods);

Supplying to a server (eg. control center) the device ID code and the reader ID code output of the reader having read the device ID code, (C2, L56 to C3, L3 teaches the user connecting to a server/central site and being supplied with downloadable digital goods/products).

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

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But is silent on the device having a unique reader ID code, and associated with the location being visited by the user AND and supplying by the control center to a location identified by the user fulfillment information identified by the user.

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

Bandera teaches a system/method whereby advertisements are downloaded to a wireless user based on their geographical location. Hence "readers" (eg. BTS's, etc.) are used to determine the user's location and then a computer/control center downloads selected advertisements to said user. This is a more "automatic" process whereby Rautila's process was more manual (eg. the user selected downloadable material instead of the system determining the user's position and then selecting what to download).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Rautila, a reader adapted to read the device ID code of the device of the user in close proximity to the reader AND the control center associating the communicated type of fulfillment information and the communicated location with the device ID code of the portable device of the user, to provide means for the system to automatically locate the user and download selected material to said user based on their position/location.

As per **claim 43**, Rautila in view of Bandera teaches claim 42 wherein the communicating means is adapted to communicate from user an amount of fulfillment information to be supplied, and the control center is adapted to supply fulfillment information associated with the received reader ID code in accordance with the identified amount of fulfillment information (figure 4 shows user selecting data to download selected fulfillment data, eg. a good/service/product).

As per **claims 44-45**, Rautila in view of Bandera teaches claim 42 wherein the communicating means is adapted to communicate from the user whether fulfillment information containing pictures/motion pictures is preferred as the type of fulfillment information; and the control center is adapted to supply fulfillment information associated with the received reader ID code in accordance with the identified type of fulfillment information (Rautila teaches hotspot downloads that support many different types of goods/services/products, C4, L65 to C5, L8 which one skilled realizes will range from small downloads to very large downloads. Hence the use of either cellular or Bluetooth communications provides impetus as to whether the user wants larg(er) or small(er) files to download – eg. if pictures wanted, must go to a Bluetooth hotspot, otherwise a small download can be via cellular).

As per **claim 46**, Rautila in view of Bandera teaches a system for supplying information to a user about a physical location (figure 7, #810-#830), comprising:

A portable device carried by a human having a unique ID (figure 2, Rautila discloses use of a mobile cell phone (C4, L17-25) which has a unique ID code such as

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the phone number which can be used to identify the user. The examiner also notes that Rautila discloses purchasing goods which inherently requires the user to be ID'ed and authenticated to prevent stolen goods) comprising:

Registering means for registering a user during a registration process including communicating means for communicating by the user ID information identifying an identity of the user and an information destination to which the fulfillment information is to be supplied, the registering means associating the communicated user ID information and the information destination with the device ID code of the portable device of the user (Rautila in view of Bandera's system uses cellular communications which inherently require registration to prevent cloning/fraud – figure 4 shows a user surfing the web which requires ISP authentication and figure 4 shows browsing various electronic shop web pages, #320 which can require registration. Figure 4, #360-390 discloses selection of destination for download).

A reader adapted to read the device ID code of the device of the user in close proximity to the reader, the reader including capability to output the device ID code of the portable device when read along with the reader ID code of the reader (Rautila in view of Bandera discloses readers being either cellular or "hotspots" (eg. Bluetooth) which can wirelessly connect the user to a server to download goods, C1, L42 to C2, L43 and C2, L56 to C3, L3 for downloading of goods); and

A server (eg. control center) adapted to received the device ID code and the reader ID code output by the reader, (C2, L56 to C3, L3 teaches the user connecting to a server/central site and being supplied with downloadable digital goods/products and figure 4 discloses selection of cell/hotspot download, #360-#390).

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

But is silent on the device having a unique reader ID code, and associated with the location being visited by the user AND and supplying by the control center to a location identified by the user fulfillment information identified by the user.

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

Bandera teaches a system/method whereby advertisements are downloaded to a wireless user based on their geographical location. Hence "readers" (eg. BTS's, etc.) are used to determine the user's location and then a computer/control center downloads selected advertisements to said user. This is a more "automatic" process whereby Rautila's process was more manual (eg. the user selected downloadable material instead of the system determining the user's position and then selecting what to download).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Rautila, a reader adapted to read the device ID code of the device of the user in close proximity to the reader AND the control center adapted to supply fulfillment information associated with the supplied reader ID code to the user-communicated information destination associated with the received device ID location,

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to provide means for the system to automatically locate the user and download selected material to said user based on their position/location.

As per **claim 47**, Rautila in view of Bandera teaches claim 46 wherein registering means receives from the user a preferred type of delivery of fulfillment information to the user, and the control center supplies information to the destination associated with the supplied device ID code in accordance with the preferred type of delivery (figure 4 #360-390 shows selection of preferred download means, eg. cellular or Bluetooth).

As per **claim 48**, Rautila in view of Bandera teaches claim 47 wherein the type of delivery is email, phone or web access (figure 1 shows access to Internet which supports web access and email via wired/wireless means and via web-enabled phones. One skilled would provide for access via mail if the products ordered by the user in Rautila's invention are better received via mail, eg. a CD, DVD, etc. – the examiner notes that online purchases that are delivered via mail/FEDEX/etc. are well known in the art).

As per **claim 49**, Rautila in view of Bandera teaches claim 46 wherein the registering means receives from the user a second information destination to which the fulfillment information is to be supplied by the control center, and the control center supplies the fulfillment information to the second destination with the supplied ID code (figure 4 shows the user selecting cellular or hotspot download site, #360-390 and the selection of hotspot locations near the user (#390) which one skilled can denote as 1st, 2nd, 3rd choices – hence, as the user roams, they may change their mind and not always use their first location when downloading).

As per **claim 53**, Rautila in view of Bandera teaches claim 46 wherein the registration means receives from the user information identifying whether the user wants to be placed on mailing lists of locations visited and the control center supplies ID of the user to an agent of the physical location associated with the supplied reader ID (figure 4 shows the user connecting to the Internet #310 and browsing #320-#330 – one skilled realizes that many/most web businesses ask you to sign-up on their mailing list which reads on the claim. Also, many web businesses will put you on their mailing list after you make a purchase).

As per **claim 54**, Rautila in view of Bandera teaches claim 46 wherein registering means is adapted to receive the user ID prior to the user receiving the portable device (Rautila teaches use of cellular phones and one skilled realizes that purchasing a phone service contract provides the user with a phone number/ID when they purchase the phone, eg. prior to receiving the portable device, which reads on the claim).

As per **claim 56**, Rautila in view of Bandera teaches claim 46 further comprising means for distributing a plurality of devices at a single location, each portable device having a respective ID code (Rautila teaches use of cell phones which can be purchased at a cell phone store and have ID codes/phone numbers).

As per **claim 57**, Rautila in view of Bandera teaches a process for supplying information about a visited location (figure 7, #810-#830), comprising the steps of:

Registering a user during a registration process, the user supplying ID information during the registration process, the ID information including a location to which the user desires to receive information (Rautila's system uses cellular communications which inherently require registration to prevent cloning/fraud)

Supplying to the user a portable device having a unique device ID code (cell phones inherently have unique ID (phone) numbers)

Associating the unique ID of the portable device with the user supplied ID information (the phone number is inherently associated with a user)

Visiting by the of a location about which information is desired (figure 4 shows user gaining access to the web and electronic shops, #300-#340)

A Reading the device ID code of the device of the user having a unique reader ID code (figure 1 shows multiple hotspot locations which have different ID's/locations and figure 4 shows the user having ability to select either cell or hotspot download location, #360-390)

Supplying to a server (eg. control center) the read device ID code and the reader ID code of the reader having read the device ID code (Rautila discloses readers being either cellular or "hotspots" (eg. Bluetooth) which can wirelessly connect the user to a server to download goods, C1, L42 to C2, L43 and C2, L56 to C3, L3 for downloading of goods); and

Supplying by the server (eg. control center) to the user supplied location to which the user desires to receive information with the device ID associated with the supplied reader ID code (figure 4 shows selection of download site #360-#390).

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

But is silent on the device having a unique reader ID code, and associated with the location being visited by the user AND supplying by the control center to a location identified by the user information identified by the user.

-- The examiner notes that both cellular and Bluetooth technologies can register and identify a user as they roam into their respective coverage area(s) and provide RF communications capability.

Bandera teaches a system/method whereby advertisements are downloaded to a wireless user based on their geographical location. Hence "readers" (eg. BTS's, etc.) are used to determine the user's location and then a computer/control center downloads selected advertisements to said user. This is a more "automatic" process whereby Rautila's process was more manual (eg. the user selected downloadable material instead of the system determining the user's position and then selecting what to download).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Rautila, a reader adapted to read the device ID code of the device of the user in close proximity to the reader AND the control center adapted to supply fulfillment information associated with the supplied reader ID code to the user-

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communicated information destination associated with the received device ID location, to provide means for the system to automatically locate the user and download selected material to said user based on their position/location.

As per **claim 58**, Rautila in view of Bandera teaches claim 57 wherein registering means receives from the user a preferred type of delivery of fulfillment information to the user, and the control center supplies information to the destination associated with the supplied device ID code in accordance with the preferred type of delivery (figure 4 #360-390 shows selection of preferred download means, eg. cellular or Bluetooth).

As per **claim 59**, Rautila in view of Bandera teaches claim 48 wherein the type of delivery is email, phone or web access (figure 1 shows access to Internet which supports web access and email via wired/wireless means and via web-enabled phones. One skilled would provide for access via mail if the products ordered by the user in Rautila's invention are better received via mail, eg. a CD, DVD, etc. – the examiner notes that online purchases that are delivered via mail/FEDEX/etc. are well known in the art).

As per **claim 60**, Rautila in view of Bandera teaches claim 57 wherein the registering means receives from the user a second information destination to which the fulfillment information is to be supplied by the control center, and the control center supplies the fulfillment information to the second destination with the supplied ID code (figure 4 shows the user selecting cellular or hotspot download site, #360-390 and the selection of hotspot locations near the user (#390) which one skilled can denote as 1st, 2nd, 3rd choices – hence, as the user roams, they may change their mind and not always use their first location when downloading).

As per **claim 64**, Rautila in view of Bandera teaches claim 57 wherein the registration means receives from the user information identifying whether the user wants to be placed on mailing lists of locations visited and the control center supplies ID of the user to an agent of the physical location associated with the supplied reader ID (figure 4 shows the user connecting to the Internet #310 and browsing #320-#330 – one skilled realizes that many/most web businesses ask you to sign-up on their mailing list which reads on the claim. Also, many web businesses will put you on their mailing list after you make a purchase).

As per **claim 65-66**, Rautila in view of Bandera teaches claim 57 wherein the step of supplying the portable device to the user is carried out after the registration process is carried out in the registering step (Rautila teaches use of cellular phones and one skilled realizes that one must first purchase a phone service contract before receiving the portable device, which reads on the claim. With further regard to claim 66, the phone company may provide the phone to the user prior to registration, but after purchase, whereby the user must call the phone company to activate the phone).

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As per **claim 68**, Rautila in view of Bandera teaches claim 57 further comprising means for distributing a plurality of devices at a single location, each portable device having a respective ID code to a plurality of users, and the registering step is carried out by at least one of the potential users to which the phone is distributed. (Rautila teaches use of cell phones which can be purchased at a cell phone store and have ID codes/phone numbers which are registered when using said phone).

As per **claims 69-70**, Rautila in view of Bandera teaches claim 57 comprising printing a code on the portable device or on material supplied with the portable device and wherein the step of supplying the device is carried out prior to registration and the registration step includes the step of the user identifying the code, the process comprising the step of the control center identifying the device ID of the device supplied to the user in accordance with the user identified portable device (Rautila teaches use of cell phones which have been purchased online for years whereby the phone is mailed to the user's home and activated via a call to the service provider – a PIN number/code is typically sent with the new phone to ensure security and authenticates the person calling. Regarding claim 70, the examiner notes that multiple codes can be used, ie. phone number and PIN number).

As per **claim 71**, Rautila in view of Bandera teaches claim 57 wherein the steps of visiting the location and reading by the reader are carried out prior to the registration process (Rautila in view of Bandera teaches use of cell phones, hence as the user roams its location is tracked but if the user has not registered on the web to purchase goods for download, they will be registered and located via the cell system but will not have registered to download services, which reads on the claim).

Allowable Subject Matter

Claims 50-52, 55, 61-63, 67 and 72-76 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims recite highly specific designs not found (alone or in combination) in the prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. Yabuki US 5,796,351
2. Hendrey et al. US 6,647,269
3. Hollenberg US 6,091,956
4. Calvert US 6,526,275

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta

